

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

(30)

BMS

GENE C. BENCKINI

FILED

CIVIL ACTION

v.

JUN 17 2005

UPPER SAUCON TOWNSHIP

By MICHAEL E. KUNZ, Clerk
: Dep. Clerk

04-4304

MOTION

JUNE 16, 2005

MOTION FOR LEAVE FOR SECOND AMENDED COMPLAINT

PLAINTIFF, GENE C. BENCKINI REQUESTS THE HONORABLE COURT FOR
LEAVE OF COURT TO FILE A SECOND AMENDED COMPLAINT.

- (1) DEFENDANTS, WERE INFORMED OF A THEFT OF \$24,000.00 WORTH OF NURSERY STOCK STOLEN FROM PLAINTIFF'S NURSERY ON VERA CRUZ RD UPPER SAUCON TOWNSHIP, CENTER VALLEY, PA. PLAINTIFF INFORMED THE (2) INVESTIGATORS OF THE THEFT, OFFICERS, DAVID PETZOL AND THOMAS J. NICOLETTI THAT THE (1) THEFT, JAMES RICE WHO LIVES AT 5520 VERA CRUZ ROAD, CENTER VALLEY AND MIKE LENSKE OF 293 PECK ROAD, HILTON, NEW YORK 14468 DUG AND REMOVED THE LARGE TREES FROM PLAINTIFF'S NURSERY WITHOUT PAYING OR WITHOUT PERMISSION TO REMOVE AND PLANT THE LARGE TREES AT THE JAMES AND ANITA RICE'S NEW HOME AND NEVER INFORMING THE PLAINTIFF OF THE CRIMES, PLAINTIFF CONFRONTED JAMES RICE RIGHT AT HIS NEW HOME ABOUT THE STOLEN TREES, JAMES RICE ADMITTED STEALING THE LARGE TREES WITH THE HELP OF MIKE LENSKE OF NEW YORK, PLAINTIFF SUPPLIED ALL THE INFORMATION TO THE DEFENDANT AND REQUESTED THAT THE THEFTS BE ARRESTED AND CHARGED, THE DEFENDANTS NEVER INVESTIGATED THE CRIMES OR ARRESTED ANYONE CONCERNING THE STOLEN TREES.
- (2) DEFENDANTS, COMMITTED CRIMES BY DERELICTION OF DUTY AND ALSO AIDING AND ABETTING CRIMINALS, SIMPLY BECAUSE THE OFFICERS HATED THE PLAINTIFF AND DEPRIVED THE PLAINTIFF OF THE \$24,000 PROFIT ON HIS NURSERY STOCK, PLAINTIFF STATES THAT THE OFFICE HATED THE PLAINTIFF BECAUSE HE BLEW THE WHISTLE ON UPPER SAUCON TOWNSHIP'S SEWAGE PLANT CLOSING FOR THE POLLUTION AND THE OTHER VIOLATIONS OF DISCHARGE OF HIGH AMMONIA SEWAGE INTO THE UPPER SAUCON CREEK KILLING FISH AND TURTLES AND DISCHARGING CONTAMINATED SEWAGE UNTO PLAINTIFF'S BUSINESS PROPERTY.
- (3) DEFENDANTS, DELIBERATELY DIRECTED A LARGE WATER SWALE RIGHT TO THE PLAINTIFF'S BUSINESS PROPERTY AND NURSERY CAUSING DAMAGE OF THOUSANDS OF NURSERY PLANTS AND IRRIGATION SYSTEMS AND FLOODING PLAINTIFF'S BUILDING AND PARKING LOT WITH SEWAGE AND MUD AT AN EXPENSE OF OVER \$86,000.00 IN DAMAGE.
(3) TIMES THE FLOODING TOOK PLACE CAUSING MORE AND MORE DAMAGE.
- (4) DEFENDANTS, FEMALE OFFICER PULLED OVER THE PLAINTIFF'S CAR ON RT309 NORTH WITHOUT PROBABLE CAUSE TO DO SO, REQUESTING LIC. AND REGISTRATION CARDS, DEFENDANT DID SO WITH THE INTENT TO HARASS AND BULLY THE PLAINTIFF, DEFENDANT DID SO IN THE

CERTIFICATION OF SERVICE

I, GENE C. BENCKINI STATES AND CERTIFIES THAT A TRUE AND CORRECT COPY OF MOTION FOR LEAVE OF COURT TO FILE A SECOND AMENDED COMPLAINT IN THE ONGOING CASE #NO 04-4304 WAS SEND ON JUNE 16,2005 TO INTERESTED PARTIES LISTED BELOW, BY UNITED STATES POSTAL SERVICE FIRST CLASS PREPAID POSTAGE.

FAXED:

HONORABLE COURT
JUDGE BERLE M. SCHILLER

UNITED STATES DISTRICT COURT
CLERK OF COURTS

WILLIAM J. DEVLIN JR.
C/O CHRISTINE MUNION
100 WEST ELM ST.
SUITE 200
CONSHOHOCKEN, PA. 19428

PRO-SE

GENE C. BENCKINI

Gene C. Benckini
June 16, 2005

FILED
JUN 17 2005
MICHAEL [illegible]
By _____